

In Reissue Appl. of : Bill L. Davis and Jesse S. Williamson
For Reissue of : U.S. Patent 5,630,363
Serial No. : 09/315,796
Filing Date : May 20, 1999
Art Unit : 2854
Examiner : Joshua D. Zimmerman
Title : Combined Lithographic/Flexographic
Printing Apparatus and Process
Docket No. : 111667-1000
Customer No. : 32914

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<p align="center">CERTIFICATE OF MAILING (37 CFR 1.8a)</p> <p>I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail and in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p> <p align="center">_____ Anne Ziegler</p> <p align="center"><i>Anne Ziegler</i> (Signature of person mailing paper)</p> <p>Date: <i>Aug. 7, 2006</i></p>

JOINT DECLARATION UNDER 37 CFR 1.131

Sir:

The undersigned reissue applicants, Bill L. Davis residing at 1126 Tipton Road, Irving, Texas 75060 and Jesse S. Williamson residing at 5728 Caruth, Dallas, Texas 75298, and both being citizens of the United States, declare that:

1. We are the same joint Declarants of a reissue Declaration executed on or about May 20, 1999 and of subsequent Supplemental Reissue Declarations of record in the above-identified application, and again reaffirm our affirmation that we believe ourselves to be the

original, first and joint inventors of the invention and discovery described and claimed in United States Patent 5,630,363, for which we seek reissue.

2. We have been employed by Williamson Printing Corporation (WPC), the owner of the above-identified patent and pending application since April 8, 1974 and July 11, 1966, respectively, and are currently employees of said company.
3. We have reviewed the Office Action dated April 6, 2006 and note the Examiner's rejection of Claims 6 through 11, 15 through 30, 32 through 38, 58, 154, 156, 158 and 161 through 164 under either 35 U.S.C. 102(e) or 35 U.S.C. 103(a) as being anticipated by or made obvious by U.S. Patent 5,638,752 to Hartung et al., taken alone or in combination with secondary references. We have also read the Examiner's comments regarding our Joint Declaration dated June 30, 2000 and filed on July 7, 2000 under 37 CFR 1.131, and the Declarations of John Bird, Jesse Speight Williamson and Gary Doughty filed on September 26, 2000 and Steve M. Garner filed on April 7, 2000. We have also noted the Examiner's comments that these Declarations are insufficient to establish diligence from a date prior to the date of reduction to practice of the Hartung et al. reference (April 4, 1994) to either a constructive reduction to practice or an actual reduction to practice of our invention.
4. We make this Joint Declaration to further clarify the circumstances under which our invention was conceived and developed from a date prior to the date of reduction to practice of the Hartung et al. reference to our constructive reduction to practice by filing the application on August 14, 1995 which matured into U.S. Patent 5,630,363 (the '363 Patent).

5. Although the invention described in our '363 Patent was conceived in the Spring of 1992, a primary concern of WPC management at that time was related to handling the growth rate of business of the company and the resultant workloads imposed on personnel and equipment. Each year brought increases in both heatset web printing and sheetfed printing orders. In 1992, a decision was made to accommodate the orders for heatset web printing followed by addressing the question of replacing WPC's aging fleet of sheetfed presses. A Harris M-200 six unit heatset web perfecter and a Harris M-110 half size heatset web press were beginning to show their age and had no prospects for automation to increase productivity.
6. During the Spring and Summer of 1992, the undersigned Declarants, together with the Manager of Operations of WPC web presses, scheduled several trips throughout the United States to observe demonstrations of available web presses, including a Harris M-300, a Hantscho Mark VI, a Baker-Perkins Type G-14 and a MAN-Roland Rotoman "C" model which had a press speed of 50,000 impressions per hour. Representatives from several press manufacturers were also interviewed at one or more tradeshow in the period mentioned above.
7. During the period mentioned above, MAN-Roland was offering a new press known as the Polyman, reportedly having as much performance capability as the Rotoman model but at a lower price, and was being manufactured in MAN-Roland's plant in Stonington, Connecticut. Negotiations with MAN-Roland began in the Fall of 1992 and an agreement was made to purchase a MAN-Roland Polyman press in a single web six unit configuration. Installation of the Polyman press began immediately after January 1, 1993 with a view to having the press ready for start-up in early March, 1993. Electrical, mechanical and print quality operational problems

surfaced immediately after startup of the Polyman press and could not be solved, particularly the print quality problems. Negotiations between WPC and MAN-Roland were initiated to trade the Polyman press for two Rotoman units. However, delivery of the Rotoman units was not available and work was carried out for almost the next four years to correct the operational problems with the Polyman unit to provide print products that were to the standards of WPC. Visits to a user of the first Polyman unit (L.P. Thebault Company) were conducted to determine how they operated the Polyman press. We attended instruction and orientation meetings at the MAN-Roland plant in Stonington, Connecticut. Further negotiations toward a settlement agreement were conducted in July, 1994 in Augsburg, Germany by the undersigned in company with the Chairman of WPC and with press manufacturer, MAN-Roland. An agreement was finally made possible by conducting certain tests on a Polyman press at the manufacturer's facility during which MAN-Roland personnel agreed there was a defect in print quality related to the type of work WPC wished to carry out with the Polyman press.

8. Still further, the negotiations begun in Augsburg, as described above, were not completed until the Fall of 1996 since a new press was being offered to WPC as part of the settlement agreement and designated as the Rotoman "N", a press capable of making 60,000 impressions per hour. Since this new design was worth waiting for, as determined by the undersigned and other personnel of WPC, an agreement favorable to both WPC and MAN-Roland was completed.
9. Concurrent with the significant, time consuming development efforts described above, WPC became concerned regarding the performance of its sheetfed presses which had little or no automation and running

speeds which were much slower than then currently available with more modern equipment. Moreover, WPC wished to develop a press which would operate according to the process of its U.S. Patent 5,370,976, which required the integration of gold and silver images into the standard four color printing process to achieve more brilliance of metallic images, in particular, and which included a flexographic process requiring use of an Anilox roller with a chambered doctor type inking system. Throughout the period of time discussed above regarding the tasks associated with choosing new press equipment, installing same, and the major efforts put forth to overcome operational problems, orders for print products were being negotiated and received which we realized could be improved by the use of press configurations which included a flexographic printing station "upstream" of a lithographic printing station.

10. In view of the developments described above, and the delays in implementing a flexographic printing process upstream of a lithographic printing process caused by such developments, during the period from April, 1994 to July, 1994 we realized that a decision was required to either (1) provide auxiliary "add-on" equipment for printing a flexographic image ahead of the lithographic images on the above-mentioned outdated and obsolete presses, or (2) install a purpose built, dedicated flexographic printing station for placement on and upstream of the lithographic print stations of the outdated presses. The second mentioned option was deemed more desirable, however, such flexographic equipment was not available commercially during the time period in question.
11. The difficulties encountered in late 1993 in producing work product with the above-mentioned MAN-Roland Polyman web press delayed the decision to replace the WPC

sheetfed presses. The problems with quality of print products encountered with the MAN-Roland Polyman equipment required the development of a test protocol to be implemented for sheetfed presses to be purchased.

12. Accordingly, during the period of about May, 1994 to July, 1994, tests were scheduled at each of the sheetfed press manufacturers selected by WPC, which included Komori, MAN-Roland and Heidelberg (Heidelberger Druckmaschinen AG). Tests were conducted on presses of each of these three manufacturers on two different occasions each.
13. Still further, during the month of July, 1994, the undersigned visited the MAN-Roland facilities in Germany and also visited the Heidelberg facility in Heidelberg, Germany. At the Heidelberg facility we carried out a review and analysis of a Heidelberg forty inch press with a "tower coater," including an Anilox roller and a chambered doctor type inking system mounted at the downstream end of the press. We witnessed several demonstrations of printing with metallic inks using the process of U.S. Patent 5,370,976 and using printing plates for which we had provided the processing film to Heidelberg. In the process, a gold metallic ink was applied by the tower coater at the downstream end of the press and then the print material was fed through the press in a second pass to carry out the lithographic printing process. We then visited at length with Heidelberg's coating specialist regarding the process we had witnessed and also to explore placement of a coater or flexographic station to perform the flexographic process ahead of the lithographic process in accordance with our invention. Again, we were confronted with the dilemma that none of the press manufacturers offered equipment which would be capable of performing

flexographic printing upstream or ahead of lithographic printing on a so-called inline production basis.

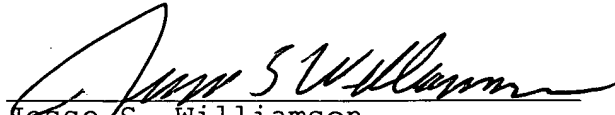
14. After conducting tests and discussions with Heidelberg, we scheduled a meeting with Steven Baker, an employee of Printing Research Corporation ("PRI") as described in our Joint Declaration Under 37 CFR 1.131 filed July 7, 2000 in the above-identified reissue application. Our efforts to develop the equipment and process disclosed and claimed in the above-identified application during the period between April 4, 1994 and August 14, 1995 are also described in detail in our Joint Declaration Under 37 CFR 1.131 dated June 30, 2000 and filed July 7, 2000, particularly with regard to the activities described in Paragraphs 3 through 16 thereof.
15. Declarants verily believe that the activities described hereinabove, the activities described in the Joint Declaration Under 37 CFR 1.131 dated June 30, 2000 and filed in the Patent Office on July 7, 2000, together with the Declaration of Jesse Speight Williamson Under 37 CFR 1.131 dated September 22, 2000 and the corroborating statements set forth in the Declarations of Gary Doughty dated September 24, 2000, Scott Brown dated December 21, 1999, the Declaration of Steven Baker dated November 3, 1999, the Declaration of Steve M. Garner dated April 6, 2000, and the Declaration of John W. Bird dated December 11, 1999, all of record in this application show diligence from a date prior to the date of reduction to practice of the Hartung et al. reference (April 4, 1994) to the date of a constructive reduction to practice of the instant invention (August 14, 1995).

The undersigned Declarants state that all statements made herein of Declarants' own knowledge are true, and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge

that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code.


Bill L. Davis

8-4-06
Date


Jesse S. Williamson

8-4-06
Date

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